

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

WILLIAM PHILLIPS

PLAINTIFF

v.

CIVIL ACTION NO. 4:16CV00022-DMB-JMV

MICHAEL WHITFIELD, ET AL.

DEFENDANTS

ORDER STAYING CASE

Before the court is defendants' motion [8] to stay—or, in the alternative, dismiss—these proceedings pending resolution of criminal charges against Plaintiff. The court has thoroughly considered the briefs of the parties, the applicable law, and the record and is of the opinion that the motion is well-taken and should be granted. Defendants have adequately demonstrated the likelihood of criminal prosecution of a resisting arrest charge, the underlying facts of which appear to be intertwined with the facts that make the basis of Plaintiff's claims asserted in this case. And, because it is unclear whether Plaintiff's claims are barred under *Heck v. Humphrey*, 512 U.S. 477 (1994), the case should be, and is hereby stayed until the earlier of resolution of the criminal charges or 90 days. In the interim the parties shall notify the undersigned magistrate judge within fourteen (14) days of any decision or the entry of any ruling in the criminal proceeding that would have any bearing on the propriety of the stay of these proceedings.

IT IS FURTHER ORDERED, nonetheless, that the court reserves the right to take up the issue of dismissing this case without prejudice if the criminal proceedings are not resolved within a timely manner.

THIS, the 11th of April, 2016.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE